

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION**

**ISAIAS P. GALLEGOS  
PETITIONER,**

**VS.**

**CASE NO. 4:10CR00341-001**

**UNITED STATES OF AMERICA,  
RESPONDENT,**

**MOTION FOR MODIFICATION OF SENTENCE PURSUANT TO 18 USC 3582(C)(2) BASED ON  
RETROACTIVE AMENDMENT 782 OF THE UNITED STATES SENTENCING GUIDELINES**

**COMES NOW**, Petitioner Isaias P. Gallegos, Pro Se, respectively submits the following **Motion For Modification of Sentence Pursuant To 18 USC 3582(c)(2), based on Retroactive Amendment 782 of The United States Sentencing Guidelines**. Petitioner has been sentenced to a term of imprisonment based upon a sentencing that has been subsequently lowered by the United States Sentencing Commission Pursuant to 994 (o), thus upon motion to this Court, by the above Petitioner, permits departure.

Petitioner, Isaias P. Gallegos was sentenced on the 15th day of August, 2012 by the District Court to a Federal term of 262 months, with a projected release date on or about 09th day of June, 2029.

Petitioner is currently serving his Federal Sentence at the Phoenix Federal Correctional Institution, in Phoenix, Arizona. (See Exhibit A- Bureau of Prison Computation Sheet)

The United States Sentencing Commission made the retroactive Amendment 782 to the Sentencing Guidelines with the intention to implement lowering of drug penalties by and for the following:

1. Federal Drug Trafficking Offenses by Two (2) Base Offense levels.
2. For All Types of Drug Listed in the Guidelines 2D1.1.
3. Those who are Not Career Offenders.

The judiciary and its probation officers will have the responsibility under **18 USC 3624 (e)** to supervise such Petitioners after they are released by the Bureau of Prisons. Pursuant to **42 USC 13882**, the **Violent Crime Control and Law Enforcement Act of 1994**, the Bureau of Prisons was authorized to initiate Unity Demonstration Project, for which is to alleviate the harm to children and families upon incarceration of a parent. The United States Congress enacted the **Family Unit Demonstration Project Law** and charged the United States Bureau of Prisons with the responsibility for developing halfway house-like facilities in the communities across the United States which are capable of housing parents and their children as well as providing educational and other rehabilitative programs for prisoners and their children. **See 42 USC 13903**. Despite the fact that the United States Congress has appropriated funding for the Family Unity Demonstration Project, the Bureau of Prisons has failed to and refused to effectuate the projects. **See 42 USC 13904**. When a Federal Agency has refused, through either nonfeasance to follow the law, the Court is empowered to fashion an alternative remedy to effectuate the goal that Congress sought to achieve.


Further, in the light of the Federal Sentencing framework, it is clear that when a Defendant's sentence has been set aside, at or on Appeal, or Resentenced, the District Court should consider the evidence of the Defendant's Rehabilitation since his prior sentencing and that

evidence in an appropriate case, supports a further downward departure from the Sentencing Guidelines. See **William v. New York**, 337 US 241, 93 L. Ed 1337 (1949), **United States v. Watts**, 519 US 148, 136 L. Ed 2nd 584 (1997), **United States v. Bryson**, 229 F3rd 425 (2nd Cir. 2000), and **Pepper v. United States**, 562 US, 131 S. Ct. 1229, 179 L. Ed 2nd 196 (2011).

In assuring deterrence, protection of the public, and rehabilitation **18 USC 3553 (a)(2) (B)-(C) and (D)**, there would seem to be no better evidence than a Defendant's post-incarceration conduct. Post sentencing also critically informs a District Judge's duty under **18 USC 3553 (a)**, to impose a sentence sufficient, but not greater than necessary to comply with sentencing purposes set forth in **18 USC 3553 (a)(2)**, not adequately taken into consideration by the Sentencing Commission. (See Exhibit B-Bureau of Prisons Development Plan, Educational Transcript/Course completion and hours).

**WHEREFORE**, the Petitioner **PRAYS** this Honorable District Court will consider and give appropriate weight to the Petitioner's post sentencing rehabilitation evidence, as provided in Exhibits A and B, in addition to the Retroactive Amendment 782 "Drug Minus Two" reduction.

Respectfully Submitted,

  
Pro se, Petitioner

Reg.# 43924-279  
Federal Correctional Institution Phoenix  
37910 N 45th Ave  
Phoenix, AZ 85086

**Exhibit A**

**Bureau of Prison Computation Sheet**

PHXHB	540*23	*	SENTENCE MONITORING	*	09-20-2016
PAGE	001	*	COMPUTATION DATA	*	10:58:47
			AS OF 09-20-2016		

REGNO...: 43924-279 NAME: GALLEGOS, ISAIAS JR

FBI NO.....: 117257FB7	DATE OF BIRTH: 09-10-1979	AGE: 37
ARS1.....: PHX/A-DES		
UNIT.....: NAVAJO	QUARTERS.....: N02-212U	
DETAINEES.....: NO	NOTIFICATIONS: NO	

HOME DETENTION ELIGIBILITY DATE: 12-09-2028

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.  
THE INMATE IS PROJECTED FOR RELEASE: 06-09-2029 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: TEXAS, SOUTHERN DISTRICT  
DOCKET NUMBER.....: 4:10CR00341-001  
JUDGE.....: HITTNER  
DATE SENTENCED/PROBATION IMPOSED: 08-15-2012  
DATE COMMITTED.....: 09-14-2012  
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$200.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE.....: 391  
OFF/CHG: 21:846,M841(A)(1),(B)(1)(A)(II) & 18 - CONSP TO PWTID 5 KGS OR  
MORE OF COCAINE, 1S.  
18:1956(A)(1)(B)(I) & 18:2 - AID/ABET THE LAUNDERING OF  
MONETARY INSTRUMENTS, WHICH INVOLVED THE ILLEGAL SALE AND  
DISTRIBUTION OF CON/SUB, 9S.

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE..: 262 MONTHS  
TERM OF SUPERVISION.....: 5 YEARS  
DATE OF OFFENSE.....: 04-27-2010

G0002 MORE PAGES TO FOLLOW . . .

PHXHB 540*23 *	SENTENCE MONITORING	*	09-20-2016
PAGE 002 OF 002 *	COMPUTATION DATA	*	10:58:47
	AS OF 09-20-2016		

REGNO...: 43924-279 NAME: GALLEGOS, ISAIAS JR

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 08-22-2013 AT DSC AUTOMATICALLY  
COMPUTATION CERTIFIED ON 05-01-2013 BY DESIG/SENTENCE COMPUTATION CTRTHE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....	08-15-2012		
TOTAL TERM IN EFFECT.....	262 MONTHS		
TOTAL TERM IN EFFECT CONVERTED..	21 YEARS	10 MONTHS	
EARLIEST DATE OF OFFENSE.....	04-27-2010		
JAIL CREDIT.....	FROM DATE	THRU DATE	
	04-28-2010	08-14-2012	
TOTAL PRIOR CREDIT TIME.....	840		
TOTAL INOPERATIVE TIME.....	0		
TOTAL GCT EARNED AND PROJECTED..	991		
TOTAL GCT EARNED.....	283		
STATUTORY RELEASE DATE PROJECTED:	06-09-2029		
EXPIRATION FULL TERM DATE.....	02-25-2032		
TIME SERVED.....	6 YEARS	4 MONTHS	25 DAYS
PERCENTAGE OF FULL TERM SERVED..	29.3		
PROJECTED SATISFACTION DATE.....	06-09-2029		
PROJECTED SATISFACTION METHOD....	GCT REL		
REMARKS.....	08222013 UPDATE GCT I/CRK		

G0000 TRANSACTION SUCCESSFULLY COMPLETED

## **Exhibit B**

### **Bureau of Prison Development Plan, Educational Transcript/Course completion and hours**

\*  
PAGE 001 OF 001 \*

INMATE EDUCATION DATA  
TRANSCRIPT

\* 09-15-2016  
\* 11:13:52

REGISTER NO: 43924-279  
FORMAT.....: TRANSCRIPT

NAME.: GALLEGOS  
RSP OF: PHX-PHOENIX FCI

FUNC: PRT

----- EDUCATION INFORMATION -----

FACILITY	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
PHX	ESL HAS	ENGLISH PROFICIENT	09-14-2012 1047	CURRENT
PHX	GED HAS	COMPLETED GED OR HS DIPLOMA	09-14-2012 1038	CURRENT

----- EDUCATION COURSES -----

SUB-FACILITY	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
PHX	CREDIT 101 FCI	07-10-2016	CURRENT				
POM	COMPLETING JOB APPLICATIONS	11-16-2015	12-02-2015	P	C	P	4
POM	EMPLOYMENT SHU PRE-RELEASE	11-09-2015	11-16-2015	P	C	P	4
POM	RPP 3: INVESTING/INSUR SHU	11-03-2015	11-09-2015	P	C	P	4
POM	RPP 3: CHECKING/SAVING/ATM SHU	10-26-2015	11-03-2015	P	C	P	4
POM	CAREER PLANNING SHU PRE-REL	10-19-2015	10-26-2015	P	C	P	4
POM	GOVERNMENT LANGUAGE	10-07-2015	10-19-2015	P	C	P	4
POL	USP ART CLASS	11-15-2014	02-01-2015	P	C	P	48
POL	AEROBICS	12-15-2014	01-22-2015	P	C	P	3
POL	USP SWISS BALL CLASS	10-20-2014	12-11-2014	P	C	P	3
POL	STEP AEROBICS	06-02-2014	07-24-2014	P	C	P	3
POL	DRUG EDUCATION	10-15-2013	11-12-2013	P	C	P	13
POL	ACE SECRET SCI	06-17-2013	10-19-2013	P	C	P	19
POL	ACE NATURE ASSN	06-17-2013	10-19-2013	P	C	P	10
POL	POSITIVE THINKING	02-24-2013	05-30-2013	P	C	P	12
POL	ACE SECRET SCI	02-24-2013	05-30-2013	P	C	P	19
POL	ANGER MANGEMENT 6:30-8:30	02-24-2013	05-30-2013	P	C	P	6
POL	COMM DR LIC BASICS 6:30-8:30	03-06-2013	05-30-2013	P	C	P	18
POL	AM PGED 1 E	01-14-2013	05-13-2013	P	W	I	0
POL	2 VT SEWING CLASS M-F 1230-330	10-31-2012	03-26-2013	P	C	C	150
HOU M	DRAWING 4 BEGINNERS-I/M INSTRT	04-08-2011	05-03-2011	P	C	P	8

G0000

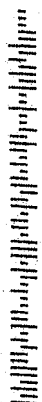
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**CERTIFIED MAIL**



7016 0750 0000 8215 7881

Attn: Hon Judge David Pittner  
Federal Building Services Inc  
515 Bock St# 8509  
Houston, TX 77002

